

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
)	
v.)	3:07-CR-150-MHT
)	
)	
)	
BENJAMIN S. FOSTER)	

MOTION TO CONTINUE SENTENCING

COMES NOW, the Defendant, Benjamin S. Foster, by and through the undersigned counsel and files this his Motion to Continue Sentencing in the above-styled case. As ground therefore, the undersigned would show unto this Honorable Court as follows:

1. This Honorable Court has scheduled this matter for sentencing on July 3, 2008.
2. That the undersigned was recently appointed to represent the Defendant and needs additional time to meet with necessary witnesses for sentencing.
3. That this case involves numerous issues which have been addressed is the Pre-sentence Report, for which the undersigned needs additional time to investigate and to address with probation.
4. Further, the undersigned feels that due to his conflict, prior counsel may not have had the opportunity to address these issues fully and to make necessary objections to the Pre-sentence Report.
5. That the undersigned has spoken with Assistant U.S. Attorney Matthew W. Shepherd who has no objection to a continuance in this matter.

6. That neither the Government nor the Defendant would be prejudiced by the granting of this motion.

WHEREFORE, PREMISES CONSIDERED, the Defendant prays this Honorable Court will make and enter an Order continuing this matter for at least thirty (30) days to a time convenient to the Court's calendar. Further the Defendant prays in its Order the Court will set a date certain for the Defendant and his counsel to submit new objections to the Pre-sentence Report should they become necessary.

RESPECTFULLY SUBMITTED, this the 25th day of June, 2008.

/s/ J. Carlton Taylor
J. CARLTON TAYLOR
Attorney for the Defendant
ASB 5037-L53J
5748 Carmichael Parkway Suite D
Montgomery, Alabama 36117
(334) 244-0447
(334) 244-0794
jtaylor@fullerandtaylor.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served on those individuals listed below, by CM/ECF email electronic service (or by hand delivery), on this the 25th day of June, 2008.

/s/ J. Carlton Taylor
J. CARLTON TAYLOR
Attorney for the Defendant
ASB 5037-L53J
5748 Carmichael Parkway Suite D
Montgomery, Alabama 36117
(334) 244-0447
(334) 244-0794
jtaylor@fullerandtaylor.com

Matthew W. Shepherd
Assistant U.S. Attorney
PO Box 197
Montgomery AL 36101-0197
matthew.shepherd@usdoj.gov